

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
April 14, 2015 – 5:00 PM**

MOTION: Commissioner Diane Adams
SECOND: Commissioner Todd Staheli
Approval Date: 02/23/2016

PRESENT: Chair Ross Taylor
Commissioner Ro Wilkinson
Commissioner Nathan Fisher
Commissioner Don Buehner
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
Council Member Joe Bowcutt

CITY STAFF: Planning & Zoning Manager John Willis
Assistant Public Works Director Wes Jenkins
Planner II Ray Snyder
City Surveyor Todd Jacobsen
Assistant City Attorney Victoria Hales
Planning Associate Genna Singh

EXCUSED:

FLAG SALUTE

Chair Ross Taylor called the meeting to order and asked Commissioner Julie Hullinger to lead the flag salute at 5:02 pm.

Chair Ross Taylor addressed the agenda: Final Plat 1A will not be presented tonight, Vacate Public Street Item 4B will not be presented, and Preliminary Plat Item 5A will not be presented tonight.

1. **FINAL PLATS (FP)**

- A. Consider approval of a sixteen (16) lot residential subdivision for “**Desert Rim Phase 1.**” The property is zoned PD-R (Planned Development Residential) and is located at Rim Runner and Desert Canyons Parkway. The owner is Quality Development LC & Quality Venture One LLC, the applicant is Development Solutions Inc, and the representative is Mr. Ken Miller. Case No. 2014-FP-075. (Staff – Todd Jacobsen).

Item pulled from the agenda prior to the meeting.

- B. Consider approval of a twelve (12) lot residential subdivision for “**Escalera Phase 6**” The property is zoned RE-12.5 (Residential Estate 12,500 sq. ft. minimum lot size) and is located at approximately 1900 East and 1200 North. The representative is Mr. Bob Hermanson, Bush and Gudgell. Case No. 2015-FP-002. (Staff – Todd Jacobsen)

Todd Jacobsen stated that Item 4A will not be heard either.

Todd Jacobsen presented Item 1B with no comments.

- C. Consider approval of a twenty-four (24) lot residential subdivision for “**Fieldstone Phase 3.**” The property is zoned R-1-10 (Single Family Residential, 10,000 sq.ft. minimum lot size) and R-1-12 (Single Family Residential, 12,000 sq.ft. minimum lot size). Lots 32, 44, and 45 split both zones. The property is located at 3480 South 2240 East (in the Little Valley area). The representative is Mr. Brad Petersen, Development Solutions. Case No. 2015-FP-003. (Staff – Todd Jacobsen).

Todd Jacobsen presented the item with no comments.

- D. Consider approval of a nine (9) lot residential subdivision for “**Hughes Subdivision.**” The property is zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) and is located at approximately 2160 East and 2450 South. The representative is Mr. Clay Tolbert, Southwest Consulting Services. Case No. 2014-FP-022. (Staff – Todd Jacobsen).

Todd Jacobsen presented the item. There is an existing home on lot 1. That lot is legal non-conforming. Mr. Denis Hughes lives there and has access already. We have asked that he change his access to the less traveled street but have not heard back yet.

- E. Consider approval of a final plat for a three (3) lot commercial subdivision for “**Riverside Business Park.**” The representative is Mr. Brandon Anderson, Rosenberg Associates. The property is zoned C-3 (General Commercial) and is located at 359 and 377 East Riverside Drive. Case No. 2015-FP-010. (Staff – Todd Jacobsen).

Todd Jacobsen presented the item.

Assistant City Attorney Victoria Hales asked if the cross access and easement agreements are in place.

Todd Jacobsen noted it is shown on the plat.

- F. Consider approval of a nine (9) lot commercial subdivision for “**The Fields at Mall Drive.**” The property is zoned PD-C (Planned Development Commercial) and is located at Mall Drive and 3000 East Street. The representative is Mr. Brandon Anderson, Rosenberg Associates. Case No. 2015-FP-007. (Staff – Todd Jacobsen)

Todd Jacobsen presented the item added that not shown on the plat is the road that will need to be dedicated further to the west to the bridge so there is a fully dedicated roadway there.

Councilman Joe Bowcutt asked if the road on the west side is to be built by the City or Developer.

Todd Jacobsen responded there is a delayed improvement agreement.

Assistant City Attorney Victoria Hales said it will be subject to the development agreement.

MOTION: Commissioner Ro Wilkinson made a motion to approve 1B, 1C, 1D, 1E, and 1F based on staff recommendations and subject to legal approval and authorize chair to sign. Victoria Hales asked if the motion included Item 1E being subject to cross-access and

easements and Item 1F being subject to the roadway and canal dedication and the development agreement.

Commissioner Ro Wilkinson said that is correct.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

2. **VACATE FINAL PLAT (LRE)**

Consider approval to vacate a ten (10) unit commercial condominium final plat for “**The Hilltop at Sunset**” The property is zoned C-3 (General Commercial) and is located at 948 North 1300 West (Switch Point Resource Center). The owner is the City of St. George and the representative is Mr. Matt Loo. Case No. 2015-LRE-009. (Staff – Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Todd Jacobsen presented the item stating there is a need to merge the lots together to be able to add a food pantry to the Switch Point Resource Center. The plat needs to be vacated and then the lots will be merged together in order to add the other building.

Councilman Joe Bowcutt asked if there are separate tax ids for each parcel.

Todd Jacobsen said yes, so when merged there will only be one tax id.

Commissioner Nathan Fisher asked if it creates a problem vacating now and then seeing a new plat later.

Assistant City Attorney Victoria Hales said no, this will be done first and then the lots will be merged.

Todd Jacobsen added that the lot merge will be done by document.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 2 to City Council.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli
NAYS (0)
Motion carries.

3. **EASEMENT VACATION / LOT MERGER (LRE)**

- A. Consider approval of an easement vacation / lot merger (amended final plat) for “**Lots 154 and 155 of Castle Rock Subdivision Phase 2.**” The property is zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size) and is located at Broken Bow Drive and Cascade Canyon Circle. The representative is Mr. Brandon Anderson, Rosenberg Associates. Case No. 2015-LRE-010 (Staff – Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Todd Jacobsen presented the item. The merger is to allow the owner to build an accessory structure on the other lot.

MOTION: Commissioner Julie Hullinger made a motion to approve item 3A and authorize chairman to sign.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider approval of a lot split for “**140 West 400 South.**” The property is zoned RCC (Residential Central City). The representative is Mr. Scott Woolsey, Alpha Engineering. Case No. 2015-LRE-008 (Staff - Todd Jacobsen).

Todd Jacobsen presented the item. There is an existing lot in the RCC zone that the owner would like to split. To do so one lot has to be at least 5,000 s.f. and the other lot needs to be at least 8,000 s.f.. The split does meet the code but the home on the smaller lot will need to meet the architectural standards as laid out in the code. Those restrictions will be put on the deed.

Chair Ross Taylor asked if the lot meets minimum lot width requirement.

Todd Jacobsen said it does meet the minimum frontage requirement.

Assistant City Attorney Victoria Hales asked if the existing house meets setbacks and other standards.

Todd Jacobsen said yes, we did review that.

MOTION: Commissioner Don Buehner made a motion to approve Item 3B for a lot split as it

appears to meet the requirements to do so.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- C. Consider approval of an easement vacation / lot merger (amended final plat) for “**Lot 533 & Lot 802 of the Ledges of St George Phase 5 & Phase 8, respectively.**” The property is zoned PD-R (Planned Development Residential) and is located at 2181 West Long Sky Drive (in the Ledges Development). The representative is Mr. Michael Draper, Rosenberg Associates. Case No. 2015-LRE-013 (Staff - Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Todd Jacobsen presented the item. The northern parcel has an existing house that takes up most of the lot. At the rear of that existing house is a swimming pool. They would like a pool house on the back parcel. They would like to vacate the easement and merge the lots and then attach the pool house to the existing home as an addition. There is a fence in the setback that they will need to push back from where it is to meet the setback standard of 25’.

Councilman Joe Bowcutt asked if drainage is going to be a problem.

Todd Jacobsen said no, the drainage will need to be to either street.

Commissioner Nathan Fisher asked if this will be a change on the deed or a plat amendment.

Todd Jacobsen explained there is an option in State Law to make this amendment by document which is the route we chose.

Ro Wilkinson asked where the property is accessed.

Todd Jacobsen said there is a fence that she will add some landscaping and such to so the adjacent owners on the rear of her existing home do not encroach on her property.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 3C.

SECONDED: Commissioner Julie Hullinger seconded the motion.

Assistant City Attorney Victoria Hales asked if the approval is conditioned on the fence moving.

Commissioner Nathan Fisher added the condition that the owner relocates the fence on the Phase 8 lot to meet the setback requirement of 25’.

Commissioner Julie Hullinger seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

4. **VACATE PUBLIC STREET (LRE)**

- A. Consider approval to vacate the remainder of a public street / right of way for **200 East Street** located at 200 East Street between Blocks 10 & 11 of the Jesse W. Crosby Entry (approximately between 1600 and 1670 South)(near the Dixie Center). The representative is Mr. Brandon Anderson, Rosenberg, Associates. The property is zoned C-3 (General Commercial). Case No. 2015-LRE-011. (Staff - Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Item pulled from the agenda.

- B. Consider approval to vacate the remainder of a public right of way for “**Old Alignment of Indian Hills Drive / Tonaquint Drive.**” The representative is Mr. Reid Pope, L.R. Pope Engineering. The property is zoned PD-C (Planned development Commercial) and is located at the rear property of 324 West and 302 West Hilton. Case No. 2015-LRE-015. (Staff - Todd Jacobsen) *Note: This item will be a public hearing at City Council*

Item pulled from the agenda.

5. **PRELIMINARY PLATS (PP)**

- A. Consider approval of a preliminary plat for a ninety-one (91) lot residential subdivision for “**Desert Crest.**” The owner is Quality Development LC & Quality Venture One LLC, the applicant is Development Solutions Inc, and the representative is Mr. Ken Miller. The property is zoned PD-R (Planned Development Residential) and is located at approximately Desert Canyons Parkway and Rim Runner North Street. Case No. 2015-PP-009. (Staff – Wes Jenkins).

Item pulled from the agenda prior to the meeting.

- B. Consider approval of a preliminary plat for a forty-two (42) lot residential subdivision for “**Desert Ridge.**” The owner is Quality Development LC & Quality Venture One LLC, the applicant is Development Solutions Inc, and the representative is Mr. Ken Miller. The property is zoned PD-R (Planned Development Residential) and is located at approximately Desert Canyons Parkway and Rim Runner North Street. Case No. 2015-PP-010. (Staff – Wes Jenkins).

Wes Jenkins explained that the western-most road is Desert Canyons Parkway. Desert Canyons Parkway will need to be dedicated prior to Desert Ridge recording. There is a trail along the East

side of Desert Canyons Parkway. Desert Canyons has to be improved to the entrance as well as the access into the subdivision.

Chair Ross Taylor asked if Desert Crest Phase 1 includes these lots.

Wes Jenkins said Desert Ridge lies within Desert Crest.

Assistant City Attorney Victoria Hales added that this plat is subject to the roadways being dedicated as well as an open space dedication.

MOTION: Commissioner Diane Adams made a motion to approve Item 5B subject to open space dedication as well as Rim Runner North and Desert Canyons Parkway being improved and dedicated.

SECONDED: Commissioner Don Buehner seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- C. Consider approval of a preliminary plat for a thirteen (13) lot residential subdivision for “**Tonaquint Heights Phase 2.**” The owner is Quality Properties, Inc., the applicant is Development Solutions Group, Inc., and the representative is Mr. Logan Blake. The property is zoned R-1-40 (Single Family Residential 40,000 square foot minimum lot size) and is located south of 2440 South in the general vicinity and west of Tonaquint Drive (1170 West and Chandler Drive). Case No. 2015-PP-011. (Staff – Wes Jenkins).

Wes Jenkins presented the item. The original approval for Tonaquint Phase 1 was distributed to you prior to the meeting. Some of those lots were given to a church and gave way to the cul-de-sac. Tonaquint Phase 1 was lots 3, 4 and 12 on the drawing. Now they want to build the remaining lots. Lot 15’s configuration has changed a little bit. This went to hillside a long time ago. There are open space areas to be dedicated to the City. This is zoned R-1-40 however they are doing a cluster development similar to lot size averaging. The whole area meets the density of R-1-40. The lots are smaller than 40,000 s.f. because of the open space dedication. The pad layout was approved by the Hillside Review Board and the buildable area is defined. Most of the lots shown meet the original layout except 107, 106, 114 and 110.

Chair Ross Taylor asked if the buildable areas are staked out.

Wes Jenkins said they will have to tie the buildable area to the property line and then stake it out prior to building. Right now they will put in roads and utilities and then the buildable pad area will have to be staked out at the grading permit stage. There are CCRs that will define it even tighter than that. Lots 107, 106, 114, and 110 the pad is shown differently than the original approval. The

applicant will amend that to reflect the original approval. Your recommendation is subject to them reverting back to the original approval.

Commissioner Don Buehner is the proposed road different than the original.

Wes Jenkins said the road configuration is the same except there is a cul-de-sac rather than a through street. The changes from the original approval are the four lots, lots 107, 106, 110, and 114. The rest match except for lot 116 but that's where the cul-de-sac was built so staff felt that matched the intent of the original approval. Lot 111 would also need to be amended.

Assistant City Attorney Victoria Hales noted this plat is subject to legal approval.

Commissioner Nathan Fisher asked if the open space is being deeded to the City.

Assistant City Attorney Victoria Hales said yes, but not the no disturb areas.

Wes Jenkins explained that you can disturb the driveway area and then your pad.

Assistant City Attorney Victoria Hales added that it will be on the plat as a no disturb area.

Councilman Joe Bowcutt asked if the City wants the proposed open space dedication.

Wes Jenkins said that was in the original approval. It will remain undisturbed as an open area with rock formations and unique features.

Commissioner Nathan Fisher asked if Planning Commission needs to do anything to verify that buildable area.

Wes Jenkins said the phase 1 plat and this plat show the lot boundaries as well as the buildable pad areas.

Commissioner Nathan Fisher asked if it is enforced.

Wes Jenkins said that we rely on the engineer. We do perform a pre-lot inspection and there will be orange fencing protecting the no disturb area.

Assistant City Attorney Victoria Hales added that if someone were to come in for a pool permit our building department refers to the notes on the plat.

Commissioner Don Buehner asked why the item is being pushed through when it's not complete.

Wes Jenkins said Planning Commission can table the item and bring it back later. They have already started working on the roads because of the original approvals. The push is time.

Commissioner Don Buehner asked if timing is a rush or just convenience.

Wes Jenkins said the plat will be revised between this meeting and City Council.

Assistant City Attorney Victoria Hales advised that the Planning Commission can ask the applicant to bring the item back, recommend approval, recommend approval with conditions, or recommend disapproval. It is within your purview to ask for more information.

Commissioner Nathan Fisher pointed out that even if the item is recommended for disapproval it will move forward to City Council.

Assistant City Attorney Victoria Hales concurred and added that legal has not reviewed this item.

Ryan Thomas (Development Solutions) explained: my recollection was that this preliminary plat was to take care of something that staff and we didn't realize that the plat needed to be brought

forward again. We didn't realize the church property changed the plat. This is to reflect what really is built out there, so this plat is to reflect what the final plat would be so they agree.

Commissioner Diane Adams asked if the final plat will reflect all the conditions tonight.

Ryan Thomas said yes. It will address the no disturb area. We thought the Preliminary Plat was okay because we were looking at the old approvals. The construction drawings were approved and everyone missed the original Preliminary Plat so this is really a house keeping item.

Commissioner Don Buehner said he didn't think he would know the difference between the building pads anyway so there is an advantage to pointing those out and I don't see a problem moving forward.

Ryan Thomas added that this preliminary plat occurred back in 2004 so the reason this sat so long and why we're holding back on the south side of the plat is the 100' setback from the edge of the cliff there. That's why the City agreed to take that Open Space.

Commissioner Nathan Fisher added that he agrees that this can be cleaned up prior to Council and that we can move forward.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 5C based on staff comments; approval is subject to the applicant adjusting the applicable no disturb areas for lots 106, 107, 110, 111 and 114.

SECONDED: Commissioner Diane Adams seconded the motion.

Assistant City Attorney Victoria Hales asked if it also is subject to the Open Space being dedicated with the plat.

Wes Jenkins said it would be.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

6. **CONDITIONAL USE PERMIT (CUP)**

Consider a request for a Conditional Use Permit for permission to construct a detached accessory **RV garage** with an attached **covered outdoor living patio** and an **attached pool equipment room** that will exceed the allowable ridge height of fifteen (15') feet. The property is zoned RE-20 (Residential Estate 20,000 sq. ft. minimum lot size). The property is Lot 78 of the Meadow Valley Farms subdivision and is located at 2433 E 3995 S. Case No. 2015-CUP-006. (Staff – Ray Snyder).

Ray Snyder explained the following:

This property is a corner lot. The request tonight is for a detached RV garage. They will also have an outdoor living area and then a small pool equipment room. There will be a changing room with shower near the pool. There is an elevation change on the property that they account for in their plans.

Ray Snyder went through a power point presentation illustrating the site plan and elevations for the proposed structure.

Ray Snyder continued: There will be a 16' wall for the RV area and 12' for the outdoor area. I have not received any calls or letters for this request. The driveway widths do meet code. The structure will be 10' from the north property line and meet setbacks of the code. The structure will be 85' from the home. The ridge height is 28' and will not encroach into City easements. The structure will have similar finishes to the main home. There are standard findings to be addressed.

Ray Snyder went through the applicable findings.

Commissioner Todd Staheli asked if the shower will be on septic or sewer.

Ray Snyder said, if available, they would have to connect to the sewer. That is looked at when the plans come in at the building permit stage.

Kean Welch (contractor) said the City sewer does come out to about where the south end of the proposed driveway sits.

Councilman Joe Bowcutt asked if the house is already there.

Kean Welch said it is under construction.

Councilman Joe Bowcutt asked if there will be a wall along the frontage because it's a corner lot.

Ray Snyder said staff hasn't looked at the walls yet but the double fronting standard does not apply.

Commissioner Todd Staheli commented that Item G, height, describes a photo simulation that shows all the sides and we rarely see those. We are supposed to see how it fits into the surrounding area and I've only seen that a few times. Can that be waived as a condition rather than us ignoring it?

Ray Snyder commented that the photo simulation really applies to commercial projects.

Chair Ross Taylor said that needs to be established so it doesn't look like we're ignoring it.

Commissioner Todd Staheli said it would be nice to see them.

Chair Ross Taylor added that the application says it's required and we rarely see it so it either needs to be provided or reworded.

Ray Snyder said staff doesn't expect it for single family projects. We do have the 2d elevations.

Chair Ross Taylor countered that it doesn't show how it affects the neighborhood. If we require it then we ought to have it.

Don Buehner asked how significant the grade change is.

Kean Welch said it's about 3'.

Commissioner Don Buehner asked if the RV garage will be down at the road level.

Kean Welch said right, it will sit down.

Commissioner Don Buehner noted that it will be less intrusive to the property north of the proposal than written due to the grade change.

Commissioner Todd Staheli said that adds to the need to see the simulation.

Commissioner Nathan Fisher noted there are many detached garages in that area.

Councilman Joe Bowcutt asked if there is a restriction on how close the driveway can be to the intersection.

Wes Jenkins said no, there wouldn't be.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales added that this CUP does run with the land so, if granted, it will go to subsequent owners.

MOTION: Commissioner Diane Adams made a motion to approve the CUP Item 6 subject staff comments, any detrimental effects have been mitigated, and the findings: D similar to home, height per the staff report, and J which is to maintain the character and purpose of the zone.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

7. **GENERAL PLAN AMENDMENTS (GPA)**

- A. Consider a General Plan Amendment from LDR (Low Density Residential), to BP (Business Park) or PO (Professional Office) on approximately 11.3 acres. The property is generally located at 3025 South River Road (*approx. 1,300 LF of frontage along the south side of River Road at the intersection of River Road and Tamarisk Drive – adjacent to the Bloomington Hills subdivision*). This proposal is to change the General Plan to allow for the future submittal of a zone change for “**Dixie Power**,” to allow development of a professional office for a utility company. The applicant is Dixie Escalante Rural Electrical Association and the representative is Mr. Jared Madsen, Alpha Engineering. Case No. 2015-GPA-002. (Staff – Ray Snyder).

Ray Snyder explained the following:

There is an existing building and circular drive as well as the substation and yard. There are residences to the northwest. The intent in the future is to build two-story offices for Dixie Escalante. Back in 2004 this project came in as a Conditional Use Permit for a public utility. The applicant submitted the request as Business Park but staff noted that outdoor storage is not allowed in such an area, so we want to make sure that whatever zone this ends up as is truly what they are asking for. Staff has suggested that Professional Office be utilized instead. Staff recommended to the applicant that the applicant come forward with a CUP rather than a General Plan Amendment but the applicant would prefer to change the land use. If the land use amendment is requested then staff would prefer PO over BP. Staff does want to point out that the land use stays with the land and so if recommended for approval varying projects may occur at this location.

Ray Snyder went through the staff report comments.

John Czar stated that are no current plans to use the facility different than the current use. Russell Condy (DREA) – before 2004 we did have pole storage and such there – those have been relocated to Ft. Pierce. We do have open storage at this location that would remain but there are no plans to increase the substation. The application is more to rezone so we can have an office.

Chair Ross Taylor asked why there was a need for a general plan amendment rather than the CUP when a CUP can be granted.

Russell Condy said the request is to allow a new facility to be built in the future.

Commissioner Nathan Fisher said when the recommendation was made in 2004 it excluded the area SW of the existing transformer.

Chair Ross Taylor asked why the applicant wouldn't expand the existing CUP.

John Czar replied the applicant would rather not expand the CUP. The GP would allow us to ZC in the future and come forward with a PD with a more restrictive use list and colors and materials.

Ray Snyder added that one letter was received in favor of the proposal.

Commissioner Nathan Fisher asked if a PD was allowed in both the BP and PO land use designations.

Ray Snyder stated the PO designation with PD-AP zoning is preferred by staff.

Commissioner Ro Wilkinson asked if the existing office were moving to the new designation.

Russell Condy explained that a new office building for staff will be built and the existing building will be for customer service.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales counseled that the Planning Commission has broad discretion to decide what land use is appropriate in this location.

Commissioner Don Buehner asked if this was a recommendation to Council or a Planning Commission decision.

Assistant City Attorney Victoria Hales explained that it is a recommendation; the Planning Commission is responsible for recommending amendments to the general plan to Council.

MOTION: Commissioner Ro Wilkinson made a motion based on comments by staff and legal to accept the general plan amendment to Professional Office (PO).

SECONDED: Commissioner <>> seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider a General Plan Amendment from LDR (Low Density Residential) to COM (Commercial). The proposal is to change the General Plan to allow for the future submittal of a commercial zone change. The property is located on the north side of 1580 East and River Road on approximately 1.4 acres. The applicant is River Road Inv. and **Shefco** and the representative is Mr. Mike Sheffield. Case No. 2015-GPA-001. (Staff – John Willis)

John Willis explained the following:

This property is near Bundy Lane. The zoning is currently R-1-10. The general plan amendment is to extend the commercial bubble south to the Bundy Lane intersection. The exhibit supplied shows their entire potential development however tonight's proposal is just to see if commercial makes sense in that area. Building heights and other items relevant to zoning are not up for discussion at this stage in the process. In review of the general plan and policies it does support neighborhood convenience commercial centers at appropriate locations along an arterial street to reduce the need for cross-town travel. At the time of a zone change request a traffic study will be required. Before development proceeds traffic will be reviewed. Staff believes that this would be a difficult location for residential development. The expansion to 1.4 acres of commercial is supported by the general plan policy.

Assistant City Attorney Victoria Hales asked staff to address how the residents in that area get access to River Road and whether or not the commercial development will have access on the same road.

John Willis stated that Bundy Lane has been utilized for a long time. Any commercial traffic that comes through staff would have to address. I do not believe that commercial would be able to access on that road.

Commissioner Nathan Fisher noted that the design shows access from River Road with an entrance on the north side of the building so Bundy Lane would see the back of the building. Legally they can go off of Bundy Lane because they own it.

Wes Jenkins added that Bundy Lane is a private road so more than likely commercial traffic would utilize River Road.

Assistant City Attorney Victoria Hales counseled that we are not approving this design or layout we are only looking at the general plan.

John Willis reiterated that we are looking at the commercial bubble and if it should extend south to Bundy Lane. Any building heights, locations, uses, etc to be discussed will be addressed at the ZC stage.

Commissioner Don Buehner asked how far the commercials extend north from Bundy Lane. John Willis said the commercial bubble of the general plan extends 100 feet or so.

Commissioner Don Buehner asked what the green line in the letter from residents there means. John Willis explained that the neighbors are proposing that some of that remain residential.

Chair Ross Taylor – it appears to me that the intent of the applicant is to put a building right along the edge of Bundy Lane and it seems that the resident concern is to get that building a bit further away than it sits.

Mike Sheffield (applicant) – our goal is to create quality neighborhoods. We believe we create high quality products and would like to continue adding value to the area. The first phase of this development is the frontage of River Road on the west side and the amendment tonight is the southernmost tip. We do have a general rendering of what these buildings will look like. The potential occupant for this change would be Stevens Henagar College. The development will be self contained and access will be north of the parking lot off of River Road.

Assistant City Attorney Victoria Hales interrupted stating tonight's request is not to consider design. Tonight is only to consider if that section of River Road should be changed from residential to commercial.

Mike Sheffield continued:

Bundy Lane is a complication because we do want that road there for Bundy Lane. The reason the road has extended is because the road was diverted around a rock and the road moved around it, however our property line is in that lane. Our proposal is to work with those on Bundy Lane to remove the bubble and correct the road. We want to keep the same intersection but realign the road slightly. Again, that road will not access into the commercial development. Will buildings block my view? No – there is an elevation difference of 32' as well as the 20' separation of Bundy Lane.

Assistant City Attorney Victoria Hales interrupted stating the roadway is relevant to determine the extent of the general plan amendment, but the other details such as tenants and heights will not be addressed.

Mike Sheffield added that the traffic study is underway and should be done in the next few weeks. We believe this will be a good transition as a natural barrier due to the elevation difference. Residential uses are not feasible in this location.

Wes Jenkins stated the road will be dealt with as they come in at the zone change process and the intent is to ensure access is still provided to the residents.

Chair Ross Taylor reiterated the issue tonight is if that corner is appropriate for residential or commercial.

Chair Ross Taylor opened the public hearing.

Tim Martin – St. James – our request is that the provisions agreed to a year ago when Boulder Creek came in are met. You are to consider, in total, the traffic study, and the developer was to work with the neighbors. None of those things are happening and yet the change is before you. Neighbors did receive the newsletter but the newsletter was received the day of the meeting. The drawing on the back of that letter is different than what you are looking at tonight. We are not comfortable because we don't know what we're really going to see. The objection is to see this all at once after the traffic study and with the collaboration of the neighbors. This project is not to come in piecemeal. There was also supposed to be a major anchor but all we hear are pieces like a car wash or office. What are we in store for if we do this a chunk at a time? The west side is being looked at but the east side is being ignored. We were to see and be able to comment on the entire plan.

Commissioner Don Buehner asked Mr. Martin if he sees a better land use designation for the area. Tim Martin said no, we really don't. I'm sure Bundy Lane would want it residential but there were some items to be addressed from previous meetings that have not been addressed.

Commissioner Nathan Fisher reminded everyone the purpose tonight is just if the 1.4 acres is to be commercial. If you want to see the entire vision for the project we cannot make the applicant do that at the general plan stage. We need to know factually what the best use for that property would be.

Jake Stabney – Boulders – I understand that this issue is narrow tonight for you, but it is not narrow for us. The Sheffield's were told to do the traffic study, the project was to be presented all at once and we're seeing pieces. We don't know what the businesses are. This issue has generated more animosity and concern than you can imagine in St. James and Boulders. This is not a simple question. A year ago the rules were laid out and those items have not been done. If you are going to allow incremental use then residents need to know that. We don't think it's a good idea – we need to see the whole project. I don't know what to put in there but I would not want my clients to have to deal with that intersection. It's such a small piece of land. Lastly, this commission should not have to deal by piece by piece and have us up here complaining at things. They should not be dumping their problem on us or on you. They haven't done what they were told to do. One additional condition was that they were to meet with the neighbors and they haven't done that. We are all concerned about traffic. The Sheffield's need to meet with our neighborhood council and then with staff. Reject this proposal tonight and make them do what they were told to do.

Commissioner Don Buehner explained the process that this goes through is layered. Tonight's process is narrow and to determine best use for this area. Many of your concerns would be addressed after this process when the zone change comes forward. The general plan does not have

force of law – this is just to see best fit. A zone change will come later and that will address what you've brought up. There is no way to address that at this stage.

Chair Ross Taylor added that the rules have not changed.

Commissioner Julie Hullinger left at 7:15 pm

Commissioner Nathan Fisher moved for a recess at 7:15 pm.

Meeting resumed at 7:22 pm.

Commissioner Nathan Fisher left during the recess.

Chair Ross Taylor – for clarification – the intent for a planned development on both sides of the road would be presented at the zoning stage of the process. The issue before you tonight is an entirely different issue. Mr. Sheffield's proposal is 1.4 acres being changed from LDR to COM in the general plan and extend the commercial another 200' along River Road, and does this make sense. This is to determine best use of the property. Mr. Sheffield is not stepping away from the directive he was given. This has nothing to do with design or other issues yet. We have a narrow scope tonight and everything discussed tonight needs to stay in that scope.

Steven Sheffield explained we originally submitted the zoning on the other properties and as a favor to the residents we were asked to speculate potential tenants. We have tried to meet requests and it created a picture that wasn't accurate. We then postponed everything and the animosity built up has been very personal and that is why I am handing everything over.

Assistant City Attorney Victoria Hales asked Mr. Sheffield to direct his comments toward the General Plan Amendment.

Steven Sheffield stated the best use is commercial as the rest of the frontage is commercial. The logical use and best buffer will be a professional office. We have a long term tenant lined up and this will be an appropriate request. Staff has requested that before we move forward with zoning on the west side we get this GPA in place first. Then when the traffic study is complete for all of the development it will come forward with the zone change.

Tom Durant – Bundy Lane – I signed the letter before you. Bundy Lane has been a residential street for decades. There are two vacant lots left. A few of us have worked with Sheffield and have been agreeable to some items but not having commercial there at the corner. We do not oppose the request other than Bundy Lane continuing as residential. From our street south is all residential. I have heard from multiple people that they would be willing to use that lot as residential. We don't oppose the development. We are agreeable to it with limitations. We do oppose changing the general plan to allow commercial up to Bundy Lane. Our request for your consideration is that Bundy Lane remain residential.

Carol Bundy – I've lived on Bundy Lane for 33 years. I've raised my children there and now have family also on Bundy Lane. There is more at stake than the developer wanting to make more money. I feel like that fact that I own property as well is being ignored. Bundy Lane is only a lane.

It's small and quiet. Your decision could impact us immensely so I caution you to be wise and consider the residents on Bundy Lane who will be greatly impacted. It's just 1.4 acres. That area could be used for another home and the integrity of the lane could be maintained. We want to maintain the safety and quaint feel.

Hal Hickman – Cobblestone in the Boulders – the plot you have before you has the 1.4 acres proposed to change – across the street there is a line that runs east. That property is in the general plan as residential and that line is a buffer to protect the residents. This is really a camel's nose in the tent. If you change this piece then the piece across the street is also up to change. We believe there should be a buffer between the existing homes and the proposed commercial. We are not against commercial development we believe a buffer is important. This 1.4 acres is essential to that buffer.

Jared Taylor – Bundy Lane – I moved closer to family – we moved onto Bundy because my wife grew up there and that's where we wanted to raise our family – surrounded by family on a quiet street. I think the development will be great but that corner piece is property wanted by residents and citizens to build a home on so they can be closer to family. We're not asking for a lot. I have offered to purchase some of that property and the request was unheard as commercial property is worth more money. My argument is what is worth more?

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner – I always appreciate the public sharing concerns. My comment is that there are some developments that have an access into residential lanes that can take people away from a busy road. Putting a family that close to River Road is a concern to me. I get the arguments made but I don't know that continuing residential will enhance someone's experience in that area.

Chair Ross Taylor agreed that trying to see this as a residential property is a struggle. I struggle seeing a high wall along that frontage if that remains residential. I love Bundy Lane and the people there and appreciate your concerns but as I try to see a home there it will be costly to make and maintain. You might be able to add two more families there but they wouldn't have the same quality of life as you've experienced. I cannot see a family on that corner fenced in.

Commissioner Don Buehner stated 90% of the concerns brought up regarding process and expectations are all addressed at the zone change level so again this is to determine if this piece is better for two small residential lots on River Road or for a continuation of commercial.

Commissioner Todd Staheli – I read the letter and saw the green line and I do struggle if that should be residential or commercial. I wouldn't want a house on River Road, but I'm sure there are people who don't mind. I'm going back and forth and I see some value in keeping part of it residential for one possibly two homes. I don't know what that would do to the feasibility of the commercial project.

Commissioner Diane Adams said I appreciate the concept of a buffer zone. The letter with a green line as residential may not leave enough room to develop a commercial project.

Assistant City Attorney Victoria Hales counseled that you can recommend to City Council a modification. The vote does need to have a majority vote of 4. You can recommend approval, denial, or approval with modifications.

Councilman Joe Bowcutt stated that even if that remains residential there will be commercial right up to it. If someone else buys that we'll be in the same scenario.

Commissioner Todd Staheli countered that the people who buy those lots will know that it is designated as commercial behind them.

Commissioner Don Buehner said this has nothing to do with property values. It is to keep the best interest in mind. I don't really see a buffer currently.

MOTION: Commissioner Todd Staheli made a motion for Item 7b that we approve the general plan amendment with the modification that 100' off of Bundy Lane remain as Low Density Residential.

SECONDED: Commissioner Diane Adams seconded the motion.

Councilman Joe Bowcutt asked what the balance of the property would be.

Commissioner Todd Staheli said it could be commercial.

Councilman Joe Bowcutt said if I were the developer that would not leave enough space to do anything.

Commissioner Todd Staheli said with the scope we're looking at that isn't the question.

Councilman Joe Bowcutt said– I would withdraw as a developer then as that doesn't do anything. If you put 100' with residents there yes future people will know, but I can't see someone loving that piece. I think there is a buffer already.

AYES (2)

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (3)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

MOTION: Commissioner Don Buehner made a motion that based on public comments related to this piece of land and acknowledging the concerns, we recommend to City Council they consider a GPA to the 1.4 acres proposed be changed to commercial adding that it is my estimation that in the end, notwithstanding the concerns we've heard, that that would be the best use for the community for that area.

SECONDED: no second

Chair Ross Taylor stated the motion dies for lack of a second, and no other motion was forthcoming. This item will go forward to City council with no recommendation from the Planning Commission. The City Council will also address this item as a public hearing item.

- C. Consider a General Plan Amendment from BP (Business Park) to HDR (High Density Residential) on approximately 6.037 acres. The property is generally located at 415 South Dixie Drive behind the existing building on the property. This proposal is to allow

for the future submittal of a zone change for a high density project. The owners are Mr. Dennis **Garr** and Mr. Gordon Lyle. The representative is Mr. Dennis Garr. Case No. 2015-GPA-003. (Staff – John Willis).

John Willis explained the following:

There is an existing building on the property. This previously came forward in the past as one comprehensive project. The original approval was for a senior citizen mixed use development. Most of the uses were geared toward senior citizens. The General Plan is Business Park and the zone is PD-CR which is a mixed use development. The building will remain and the rear portion is proposed as High Density Residential. The general plan will be the guide for any future zoning approvals. The surrounding area is mostly low density residential. There is some commercial and some PD-R zoning with MDR general plan around it. The original approval was for mixed use and density is based on the general plan. If the general plan is commercial then the allowance is HDR. As the proposal is no longer mixed use the general plan needs to change. There were 144 units approved originally however senior housing has a lesser impact than a multi family project. One other issue with the site is access. There is an existing building and then a 50' easement that runs through the front property to access the rear section. With one access there can only be 50 units. Staff feels that MDR is more appropriate than HDR. We did receive one letter regarding this proposal. Again this is to determine if HDR is an appropriate general plan designation for this area.

Councilman Joe Bowcutt stated that he thought the senior housing approved at one time was only out on the road between Dixie Drive and the existing building

John Willis said the approval was for the site in general. This used to be one lot and now the lot has been split into two lots.

Councilman Joe Bowcutt asked if the easement through has to be a standard road and at what width. John Willis stated there are many questions regarding that easement. Those will be addressed with the site plan to minimize any potential conflict. The easement is 50' which should accommodate a road. There would need to be hydrants and the one access limits him to 50 units.

Commissioner Ro Wilkinson asked if staff recommends senior housing at this location.

John Willis stated that was the original approval.

Commissioner Diane Adams asked if one access allows 50 units.

John Willis said yes, the applicant is working on a second access. If found a second access would allow greater density. We would need to look at the site in the future to ensure parking and other conflicts are met.

John Willis noted that staff recommends MDR which is up to 9 units an acre on the 6 acres so 54 units which is in line with what one access would allow.

Dennis Garr explained that we wanted to build 2 story buildings with 70 units. With the one access we were hoping for 52 units. The owner lost the back half and when we bought it then we found out the issues. We're trying to get the 2nd access and then have 72 units – if not we'll have to go with the 52. On the NE corner there was a crash gate for fire emergencies.

Chair Ross Taylor asked if the applicant would like to withdraw the HDR request.

Dennis Garr explained when we bought this land it was a different staff and we did the work for 72 units and thought everything was in place. We just want to do what we had in place at one time.

Commissioner Don Buehner countered that there is only one access.

Dennis Garr said if the MDR is 52 units with one access we're agreeable to that.

Commissioner Todd Staheli asked if you want to change from HDR to MDR.

Dennis Garr said we don't anticipate another access so we're okay going down to MDR.

Chair Ross Taylor opened the public hearing.

Chris Bromberger – I represent the neighbors – we have huge concern with the amount of traffic flow right behind and to the east. Our concern is that when you're looking left the "S" in Dixie Drive is so sharp that you don't have much time and there's a blind spot there. My concern is that right behind that corner is where you pull into this development. We've asked for a light there and there's already a light close enough to this to prevent that. There is existing traffic flowing in and out of there from the established building. It's not just the 52 new units it's also the commercial already there. We don't want to be harmful to this new owner we just want a lower density to be considered because of traffic.

Dennis Garr said when this was previously approved the access was there to line up with the drive across the way. We do have a deceleration lane. It will also be a RI/RO. We can't change the access as it was approved before.

Councilman Joe Bowcutt stated that since Dixie has hooked into the freeway that road has increased the traffic.

Dennis Garr said the TIS was based on the units from back then for senior housing and assisted living.

Councilman Joe Bowcutt asked if the access can be on the north side of the property.

Dennis Garr said that is preferred but not in our control.

Assistant City Attorney Victoria Hales counseled that tonight's decision is not with the access but if MDR is appropriate for the general plan.

Commissioner Don Buehner asked if the general plan was left as is what could be developed.

John Willis said the original approval was mixed use with HDR on the entire parcel.

Commissioner Diane Adams said that's the difference. This piece is not part of the original intent.

John Willis said the issue we have now is that it's residential but the GP doesn't match. It is no longer a mixed use project and BP has no residential density associated with it. The mixed use project is gone, so if residential comes in now it has to go back to the general plan. We are trying to clean it up.

Commissioner Don Buehner asked why BP doesn't make sense to staff.

John Willis stated no one wants to use the site. That site has struggled for years to try to be successful. Looking at the current application is why staff brought this forward as a general plan amendment.

Christine Bromberger approached to reemphasis the traffic problems. It's scary pulling out because you can't see the cars coming around the curve.

Chair Ross Taylor closed the public hearing.

Commissioner Don Buehner said it's difficult to tell what best serves the community because there are so many problems there.

Commissioner Todd Staheli noted the traffic is intense and I struggle adding more units but having the units back there would be a benefit to the success of the area.

Chair Ross Taylor said the BP has not been fruitful. As this is vacant land behind a warehouse it may be challenging as residential but I don't see another use being beneficial at all. It would seem the designated remaining as BP is fruitless.

Commissioner Don Buehner stated with accessibility which is unfortunate and traffic as it I suggest that other designations be considered which may be beneficial. There are other designations available.

MOTION: Commissioner Don Buehner made a motion to recommend to City Council that they not approve a the General Plan Amendment request to change the designation to MDR based on the fact that there are other uses to be considered and the difficulty of access and existing traffic issues as it may not be the best use of the property.

SECONDED: Commissioner Diane Adams seconded the motion.

Commissioner Todd Staheli asked what land use would be better.

Commissioner Don Buehner said he didn't have a recommendation.

Assistant City Attorney Victoria Hales asked if the Commission's recommendation is for the land to stay as BP for now.

John Willis stated the problem with commercial is you don't have frontage and Single Family will be difficult.

Commissioner Don Buehner asked if a senior citizen planned development would work.

Commissioner Todd Staheli asked how many Single Family homes could go there.

John Willis said 24 homes would be possible.

AYES (3)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Diane Adams

NAYS (2)

Chair Ross Taylor

Commissioner Todd Staheli

Motion fails. No further motion was forthcoming. It will proceed to Council with no recommendation.

8. **ZONE CHANGE (ZC)**

Consider a zone change request to rezone from C-2 (Highway Commercial) and R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) to PD-C (Planned Development Commercial) on 28.802 acres to accommodate the future development of a commercial shopping center proposed to be called '**Dinosaur Crossing Shopping Center**'. The property is generally located at the north east corner of Riverside Drive and Mall Drive from Mall Drive to 2200 E and Riverside Drive to the river. The owner is 'Dinosaur Crossing LLC', the applicant is '**Smith's Food and Drug Center**', and the representative is 'Anderson Wahlen and Associates (AWA)'. Case No. 2015-ZC-006 (Staff – Ray Snyder).

Commissioner Don Buehner stepped away at 8:52 pm

Ray Snyder explained the following:

The request is to change the zoning to PD-C. The general plan does support this request. As part of the zone change you are approving the layout and concept but really the main thing tonight is the Smith's Market Place, fuel center, and signage. A colored site plan has been presented – you are approving a conceptual layout. The project would be done in phases.

Commissioner Don Buehner returned at 8:55 pm

The outlying units will come back as amendments. We ask that the entire property be rezoned and the subsequent buildings come back later. The dimensions are on the elevations. The majority of the building is at a lower elevation with higher aesthetic pieces. They have added a fuel center and felt it was okay to present tonight. The fuel center is a canopy and small building that matches the larger building. The use list has been discussed with staff at length. I don't know that the wording at the top of the use list is relevant but I do want you to look over the list for the entire site. The uses did look reasonable to staff.

Chair Ross Taylor asked that on page 3, prohibited uses, substitute sexually oriented businesses rather than what is listed.

Ray Snyder said that as far as the City ordinance goes, any sexually orientated businesses are only allowed in the M-1 and not in commercial areas.

Assistant City Attorney Victoria Hales stated that the "prohibited uses" should be removed from the use list entirely. It should be removed completely as City and State code already has regulations. As far as the catch all on the first page – that catch all is broad as to negate the use list so I would request that catch all be removed as well.

Commissioner Todd Staheli asked that if the uses will be addressed when each pad comes in. Assistant City Attorney Victoria Hales said no, this is for the entire site so the uses are important to consider.

Ray Snyder clarified that the recommendation is to remove the catch all at the beginning and then the prohibited uses at the end. The sign plan in the packet has been updated and given to you. The request is reasonable with the current code. There is a development agreement between the

developer and the City. In terms of right of way and road we don't see any outstanding issues and it is not a condition on the zone change.

Ray Snyder highlighted the staff comments and example motion in the staff report.

Introductions:

Rick Woodbury (Woodbury Corp)

Keith Buswell (Corporate relations, Wadman Corp)

Bret Wahlen (Anderson Wahlen Associates)

Bret Wahlen – we are excited to be here. I've been working on this project for years. This store is a full service marketplace. There have been 3 built in the last year. The materials we are looking at tonight are colored block and home block to meet more of an earth tone to fit the area. When you get a bigger building like this you need those higher elevations to create some relief. This store is slated for 2017 but we are pushing for a 2016 debut. We do appreciate working with staff. We did table the item to create this PD rather than the general commercial. The signage you see has been done in other Utah communities.

Commissioner Ro Wilkinson departed at 9:23 pm

Commissioner Todd Staheli said the look of the signs is acceptable but I'm concerned about the number of signs requested.

Rick Woodbury explained we would not be building here if we didn't think this was a major commercial road. This is on 28 acres. It's a big site and there are 8 monument signs. They are necessary marketing tools to draw quality tenants. It sounds like a lot but if you put 8 trees on this acreage you would think little of it.

Commissioner Todd Staheli countered that the monument signs can have multiple tenants.

Rick Woodbury said the issue is maintaining visibility for Smith's and still having advertising for the pads. Some are perpendicular rather than facing the roads. Signage only on the building would not be very visible. As for the uses, cutting out the catch all is not a problem. We would prefer prohibited uses rather than only listed available uses. If we tried to list each use individually it would be extensive and we would want to update it often. If it's found in a shopping center in Utah we feel we should be allowed to do that.

Assistant City Attorney Victoria Hales stated that this is a permitted use list so you don't need the exclusionary list.

Rick Woodbury said they can do that. We need a broader permitted use list for uses we can't foresee today.

Assistant City Attorney Victoria Hales stated that "what is customarily allowed in Utah: is not defined and the statement is too broad. PD-C lists permitted uses that you can add to in the future.

Rick Woodbury stated we'll work with what we have but I don't think the language is necessarily bad. The intent is for a shopping center not a limited use area. Another issue is we don't necessarily want tattoo or body piercing shops but they are customary now. Is there objection to the incidental use list?

Commissioner Diane Adams said no, there is not.

Assistant City Attorney Victoria Hales said when there are permitted uses in a PD-C we would not normally have the broad language listed at the beginning; the list is only for permitted uses. They

can amend the list at any time. On page three, the prohibited uses would not be listed. They are already addressed elsewhere in the code. Also number 5 on the permitted use list says residential above retail is allowed, and this would not normally be allowed in the PD-C zone; that is more permissible in the C-4 zone.

Rick Woodbury agreed to remove the residential option right now but someday we may come back for that.

Assistant City Attorney Victoria Hales added that there is a development agreement this item is subject to.

Ray Snyder added that tattooing is a conditional use in specific zones; you may want to address that. Microbrewery is another item you may also want to look into.

Assistant City Attorney Victoria Hales counseled that microbreweries do have specific rules regulating them by State law. It is okay to leave that as a permitted use if the Planning Commission would like it listed.

Rick Woodbury asked that tattooing remain as national tenants may want that use.

Commissioner Diane Adams stated she would like tattooing to remain as a permitted use.

Ray Snyder suggested that the 'in conjunction with' uses be listed as separate line item uses.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

Assistant City Attorney Victoria Hales counseled that this is a PD-C so Planning Commission reviews all aspects of the application: the use list, various building materials, elevations – I didn't see elevation for the fuel center, design, layout, as well as the signage. If you recommend approval, they would be allowed to build in accordance with the details in their proposal even if it is in excess of what the code allows.

Commissioner Don Buehner noted that a 28' height for outlying pads was stated.

Ray Snyder added that the maximum height of 45' with the parapet was proposed.

Assistant City Attorney Victoria Hales stated that any motion does need to be unanimous.

MOTION: Commissioner Don Buehner made a motion to approve the PD Zone Change including:

1- the entire acreage presented

2 - the use list with removal of the first sentence catch all recognizing that the list will be modified prior to City Council and revised so the in conjunction uses are listed as approved uses except for #5 "residential" which is to be removed, and the "prohibited uses" are to be removed as they are addressed the code

3 - we accept the building elevations and color materials

4 - landscaping as presented

5 - signage plan as submitted

6 - this approval is not for the design of anchor b, c or the retails shops or the pads which will

require separate future zone change amendments

SPR will be required,

7 - civil engineering will be required,

8 - the roadways shall be developed in compliance with the master road plan

9 – trail shall be developed in compliance with the master trail plan

10 – platting shall be processed with the City

11 – setbacks shall comply with zoning ordinance

12 – parking shall comply with zoning ordinance

13 – photometrics shall be submitted with the site plan review

14 – erosion protection to be in compliance with standards

15 – we recommend the height for the main entrance for Smith’s be approximately 45’ max and 30’ max for adjoining parapets and 35’ for secondary buildings and outlying pads maximum of 28’.

Ray Snyder asked if the fuel center was included in the motion.

Commissioner Don Buehner said the fuel center is added to item 3 of the motion.

Assistant City Attorney Victoria Hales asked if the motion is subject to a development agreement

Commissioner Don Buehner added that the zone change shall be in compliance with the development agreement.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (4)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

9. **MINUTES**

Consider approval of the minutes from the February 10, 2015 meeting.

No edits were suggested.

MOTION: Commissioner Todd Staheli made a motion to approve the February 10, 2015 minutes.

SECONDED: Commissioner Don Buehner seconded the motion.

AYES (4)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

10. **HANDOUT**

Copies of “**Vision Dixie**” are being provided to the Planning Commission. At a future Planning Commission meeting (with a lighter agenda), staff and the commission can review and discuss.

ADJOURN

MOTION: Commissioner Diane Adams made a motion to adjourn.

SECONDED: Commissioner Don Buehner seconded the motion.

Meeting adjourned at 10:01 pm